

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Diab et al.)	Group Art Unit Unknown
)	
Appl. No.	:	Unknown)	
)	
Filed	:	Herewith)	
)	
For	:	SIGNAL PROCESSING)	
		APPARATUS AND METHOD)	
)	
Examiner	:	Unknown)	

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Prior to examination on the merits, please amend the above-captioned patent application as follows:

Please add the following new claims:

41. A pulse oximeter comprising:

at least first and second light emitting devices;

at least one light detector configured to receive light attenuated by transmission through a living tissue with arterial pulsing blood, the light detector acquiring a first signal based on the first light emitting device comprising a first desired signal portion and a first undesired signal portion and a second signal based on the second light emitting device comprising a second desired signal portion and a second undesired signal portion;

an adaptive system responsive to said first and second signals to provide at least first and second output signals; and

a processor responsive to the first and second output signals to oxygen saturation of said arterial blood.

Appl. No. : **Unknown**
Filed : **Herewith**

42. The pulse oximeter of Claim 41, wherein the adaptive system uses a least squares algorithm.

43. The pulse oximeter of Claim 42, wherein the adaptive system comprises an adaptive noise canceler.

44. The pulse oximeter of Claim 43, wherein the adaptive system uses a least squares lattice.

45. The pulse oximeter of Claim 41, further comprising a display to display the oxygen saturation.

46. A pulse oximeter comprising:
at least first and second light emitting devices;
at least one light detector configured to receive light attenuated by transmission through a living tissue with arterial blood, the light detector generating a first signal based on light transmitted from the first light emitting device and a second signal based on light transmitted from the second light emitting device;
a filter responsive to signals representing the first and second signals to provide first and second filtered output signals, wherein the filter monitors its own output performance and adjusts its own transfer function to optimize its filter performance; and
a processor responsive to the first and the second filtered output signals to calculate oxygen saturation.

47. The pulse oximeter of Claim 46, wherein the filter uses a least squares algorithm to adjust its transfer function.

48. The pulse oximeter of Claim 47, wherein the filter is an adaptive noise canceler.

49. The pulse oximeter of Claim 48, wherein the filter is a least squares lattice.

50. The pulse oximeter of Claim 46, wherein the filter uses a least means squares algorithm.

51. The pulse oximeter of Claim 46, further comprising a display to display the oxygen saturation.

52. A method of calculating blood oxygen saturation comprising the steps of:
transmitting light of at least first and second wavelengths through body tissue carrying blood to a light-sensitive detector to generate first and second signals;

Appl. No. : Unknown
Filed : Herewith

filtering the first and the second signals to provide first and second filtered output signals, wherein the filtering comprises monitoring the performance of the filtering at an output by closed-loop action, and in response, adjusting a filtering transfer function to optimize said first filtered output signal; and

calculating oxygen saturation based upon said first and second filtered output signals.

53. The method of Claim 52, wherein the filtering uses a least squares algorithm to adjust the transfer function.

54. The method of Claim 52, wherein the filtering uses a least means squares algorithm to adjust the transfer function.

55. The method of Claim 52, wherein the filtering uses a least squares lattice.

56. The method of Claim 52, wherein the filtering uses an adaptive noise canceler.

57. The method of Claim 52, further comprising displaying the oxygen saturation.

58. A pulse oximeter comprising:
a light emitter adapted to emit light of at least first and second wavelengths;
at least one light detector configured to receive light attenuated by transmission through a living tissue with arterial pulsing blood, the light detector acquiring a first signal based on the first wavelength and a second signal based on the second wavelength;

an analog to digital converter that digitizes the first and the second signals to produce digitized first and second signals;

an adaptive system responsive to the first and the second digitized signals to produce adaptively filtered first and second signals; and

a processor responsive to the adaptively filtered first and second signals to calculate oxygen saturation.

59. The pulse oximeter of Claim 58, wherein the adaptive system uses a least squares algorithm.

60. The pulse oximeter of Claim 58, wherein the adaptive system is configured as a least squares lattice.

61. The pulse oximeter of Claim 58, wherein the adaptive system is configured as an adaptive noise canceler.

Appl. No. : Unknown
Filed : Herewith

62. The pulse oximeter of Claim 58, further comprising a display to display the oxygen saturation.

63. A pulse oximeter comprising:
a light emitter adapted to emit light of at least first and second wavelengths;
at least one light detector configured to receive light attenuated by transmission through a living tissue with arterial pulsing blood, the light detector acquiring a first signal based on light of the first wavelength and a second signal based on light of the second wavelength;
an analog to digital converter that digitizes the first and the second signals to produce digitized first and second signals;
a filter responsive to the first and the second digitized signals to filter the first and the second digitized signals, to produce filtered first and second signals; and
a processor responsive to the filtered first and second signals to calculate oxygen saturation during the presence of patient motion.

64. The pulse oximeter of Claim 63, wherein the filter uses a least squares algorithm.

65. The pulse oximeter of Claim 63, wherein the filter is configured as a least squares lattice.

66. The pulse oximeter of Claim 63, wherein the filter is configured as an adaptive noise canceler.

REMARKS

New claims 41-66 are presented for Examination. The term adaptive system and adaptively filtered are used in the claims in its ordinary and accustomed way as understood by one of ordinary skill in the art, as is clear from the specification, and no other special definition is provided. The IEEE Standard Dictionary of Electrical and Electronics Terms defines adaptive system as a system that has a means of monitoring its own performance and varying its own parameters by closed-loop action to improve its performance. This ordinary meaning is supported at page 19, lines 18-29 of the specification, and Figure 5 illustrates a close-loop system.

Appl. No. : Unknown
Filed : Herewith

The claims as presented are believed to be allowable.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Jan. 9, 2001

By: Stephen C. Jensen
Stephen C. Jensen
Registration No. 35,556
Attorney of Record
620 Newport Center Drive
Sixteenth Floor
Newport Beach, CA 92660
(949) 760-0404

H:\DOCS\SCJ\SCJ-3601.DOC/bl
120700